

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE JAMES SPEARMAN,

Plaintiff,

Case No. 1:24-cv-890

v.

Honorable Paul L. Maloney

JOHN FAGER,

Defendant.

/

ORDER TO PROCEED IN FORMA PAUPERIS

This is a civil rights action brought by a prisoner. The Court grants Plaintiff's motion for leave to proceed *in forma pauperis* (ECF No. 2). The Court must nevertheless require payment of the entire filing fee in installments, in accordance with 28 U.S.C. § 1915(b). *See McGore v. Wrigglesworth*, 114 F.3d 601, 604 (6th Cir. 1997), *overruled in other part by LaFountain v. Harry*, 716 F.3d 944, 951 (6th Cir. 2013); *Hampton v. Hobbs*, 106 F.3d 1281 (6th Cir. 1997). The civil action filing fee is \$350.00 when leave to proceed *in forma pauperis* is granted.¹ Plaintiff must pay the filing fee through monthly payments of 20 percent of the preceding month's income credited to Plaintiff's prison trust fund account. *See* 28 U.S.C. § 1915(b)(2). These payments will be forwarded by the agency having custody of Plaintiff to the Clerk of this Court each time the amount in Plaintiff's trust account exceeds \$10.00, until the filing fee is paid in full. *Id.*; *McGore*, 114 F.3d

¹ The \$350.00 filing fee is comprised of two distinct components—an initial partial filing fee and the remainder—each subject to different collection restrictions. 28 U.S.C. § 1915(b). For the administrative convenience of the Court, Plaintiff, and his custodian, the Court waives the initial partial filing fee. Despite the waiver, Plaintiff must pay the entire \$350.00 filing fee.

at 607; *Hampton*, 106 F.3d at 1284. If the amount in Plaintiff's account is \$10.00 or less, no payment is required for that month. *See Hampton*, 106 F.3d at 1284–85.

Even if the case is dismissed, voluntarily by Plaintiff or by the Court, Plaintiff shall remain responsible for the filing fee. *McGore*, 114 F.3d at 607. All costs shall be reimbursed to the United States should Plaintiff prevail. Plaintiff shall promptly notify the Court of any change in address. Failure to do so may result in the dismissal of the action for lack of prosecution. Accordingly,

IT IS ORDERED that Plaintiff's motion for leave to proceed *in forma pauperis* (ECF No. 2) is **GRANTED**.

IT IS FURTHER ORDERED that the agency having custody of Plaintiff shall collect the \$350.00 filing fee. As outlined above, each month that the amount in Plaintiff's trust account exceeds \$10.00, the agency shall collect 20 percent of the preceding month's income and remit that amount to the Clerk of this Court. The agency shall continue to collect monthly payments from Plaintiff's prisoner account until the entire filing fee is paid.

Dated: September 26, 2024

/s/ Paul L. Maloney

Paul L. Maloney
United States District Judge

SEND REMITTANCES TO:

Clerk, U.S. District Court
399 Federal Bldg.
110 Michigan St., N.W.
Grand Rapids, MI 49503

All checks or other forms of payment shall be payable to "Clerk, U.S. District Court" and must indicate the case number in which the payment is made.